

KNIGHTS OF COLUMBUS
1 COLUMBUS PLAZA
NEW HAVEN, CONNECTICUT 06510-3326

June 19, 2012

Marilyn Tavenner, Acting Administrator
Centers for Medicare & Medicaid Services
Department of Health and Human Services
Attention: CMS-9968-ANPRM
Room 445-G, Hubert H. Humphrey Building
200 Independence Avenue, SW
Washington, DC 20201

Re: CMS-9968-ANPRM: Certain Preventative Services Under the Affordable Care Act:
Advance Notice of Proposed Rulemaking

Dear Ms. Tavenner:

I write on behalf of the Knights of Columbus in response to the Advance Notice of Proposed Rulemaking (ANPRM) of March 21, 2012 regarding "Certain Preventative Services Under the Affordable Care Act".

The Knights of Columbus is a Catholic fraternal organization dedicated to the four principles of Charity, Unity, Fraternity, and Patriotism. A parish priest, Father Michael J. McGivney, founded our organization in New Haven, Connecticut, in 1882 to provide for the widows and orphans of impoverished immigrants. Since that time we have grown to an organization with 1.8 million members and families worldwide, 1.3 million of whom live in the United States. Our founding vision continues to this day in a number of ways. We provide life insurance, disability income insurance, annuities, and other financial products aimed at securing the financial stability of our members and their families. Additionally, through some 14,000 local councils, our members serve the needy through monetary contributions and volunteer activities. Last year alone, our members donated more than \$128,000,000 to charity and provided nearly 70 million hours of volunteer service to local communities.

Since our founding we have also worked to defend religious freedom for Catholics and all Americans. We have done so out of our commitment to our Faith and our unshakeable belief that religious freedom is a basic civil right guaranteed by the First Amendment of the Constitution.

Their Faith motivated our founding members to band together in solidarity with the widows and orphans of the time. It is that same Faith that leads us to oppose violations of religious freedom, including the HHS rule mandating the coverage of sterilization, contraceptive drugs, and abortifacients (the Mandate).

Why we oppose the Mandate

Our Catholic Church teaches that “Nobody may be forced to act against his convictions, nor is anyone to be restrained from acting in accordance with his conscience in religious matters in private or in public, alone or in association with others, within due limits.”¹ Regardless of whose conscience is in question, the Knights of Columbus has always supported a robust defense of our First Amendment freedom of religion. We do this because we are Catholics and because we are Americans.

In this instance, the Mandate calls for members of any health plan (with narrow exceptions) to pay for drugs that appear to work by causing an early abortion,² for sterilizations, and for contraceptive drugs.

The formal teaching of the Catholic Church is that abortion is a grave moral offense,³ and that contraception is a distortion of self-giving love called for in matrimony.⁴ Our Church also clearly teaches that it is never licit to cooperate formally in providing these interventions.⁵ The Mandate thus requires private Catholic individuals and entities, including organizations such as the Knights of Columbus, to violate their most deeply held religious beliefs. It appears to do so in violation of federal law and the First Amendment of the Constitution. It is improper to deny statutory and First Amendment rights to religious liberty in order to create an entitlement to sterilization, abortifacients, and contraception.

¹ *Dignitatis Humanae*, 2 § 1.

² See, e.g., Plan B One Step Website, Frequently Asked Questions, at <http://www.planbonestep.com/plan-b-pharmacists/faqs.aspx#3>; Ella Website, Frequently Asked Questions, at http://www.ella-rx.com/faqs.asp#faq_1. “It is possible that *ella* may [...] work by preventing attachment to the uterus.”

³ Blessed Pope John Paul II, *Evangelium Vitae*, 58.

⁴ Pope Paul VI, *Humanae Vitae*, 9.

⁵ See, e.g., *EV* 74 (emphasis added): “Christians, like all people of good will, are called upon under grave obligation of conscience not to cooperate formally in practices which, even if permitted by civil legislation, are contrary to God's law. [...] **This cooperation can never be justified either by invoking respect for the freedom of others or by appealing to the fact that civil law permits it or requires it.** Each individual in fact has moral responsibility for the acts which he personally performs; no one can be exempted from this responsibility, and on the basis of it everyone will be judged by God himself (cf. Rom 2:6; 14:12).”

The Mandate as it is currently written seeks to force many religious institutions to pay for interventions they view as morally wrong, in direct violation of the teachings of their religious faith. It also seeks to force many Catholic businesses to do the same. Individuals and institutions should be able to serve the public good without being forced to violate their religious beliefs.

Even if the Government adopts some of the changes this ANPRM suggests, it will still interfere with our free exercise of religion. Catholic individuals receive no protection and will have to pay for these interventions. To exempt only some institutions on the principle of respect for religious liberty, as the Government seems to contemplate, and to refuse to exempt individuals makes no sense. The right to the free exercise of religion enshrined in the First Amendment extends to the people. The right to the individual free exercise of religion and the right of institutions are inseparably linked. Both must be protected.

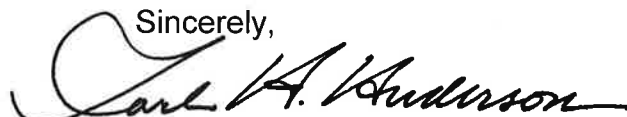
Whatever the intent of the Mandate, and whatever form it takes, it should not compel religious individuals to pay for what they believe is morally wrong. It is time for this Administration to chart another course.

A way forward

We remain skeptical that attempts to exempt a limited number of entities from such a mandate can succeed in protecting the conscience rights of all religious believers. We know people of other faiths, some who have no objection to contraception or sterilization per se, who share our skepticism.

For the reasons cited above, we urge the Administration to rescind the Mandate altogether. If, however, the Administration refuses to do so, we urge it to expand the religious exemption so that it covers all objecting individuals and organizations from cooperating in actions that genuinely offend their religious beliefs and moral convictions. There is no reason why the Affordable Care Act should not conform to those protections that exist in other contexts throughout the law, both at the state and federal level, and have stood for decades.

Thank you for the opportunity to provide comments on this most fundamental issue of religious freedom.

Sincerely,

Carl A. Anderson
Supreme Knight